

## **Board of Pharmacy**

### **Initial Statement of Reasons**

Subject Matter of Proposed Regulation: Board Accredited Continuing Education

Sections Affected: Amend 16 Cal.Code Reg. §1732.2.

#### Specific Purpose of the Proposed Changes:

Existing regulations contained in Article 4 of Division 17 of Title 16 California Code of Regulations (beginning at section 1732 ) specify continuing education (CE) requirements for individuals; providers of CE; approved accreditation agencies for CE; course requirements/standards; board-approved continuing education; renewal requirements for pharmacists, and exemptions from CE.

Existing regulation at Title 16 California Code of Regulations section 1732.5. specifies that, except as otherwise provided, each applicant for renewal of a pharmacist license shall submit proof satisfactory to the board that the applicant has completed 30 hours of continuing education in the prior 24 months. That section also specifies the number of years that a pharmacist shall retain their certificates of completion for such continuing education. Section 4231 of the Business and Professions Code sets forth authorized content for CE courses, but does not specify other ways of satisfying the board's CE requirements.

Existing regulation at Title 16 California Code of Regulations (CCR) section 1732.2. specifies that an individual may petition the board to allow continuing education credit for specific coursework which is not offered by a provider but meets standards as specified in 16 CCR section 1732.3. This regulation also specifies that coursework approved for continuing education by the Medical Board of California, the California Board of Podiatric Medicine, the California Board of Registered Nursing or the Dental Board of California shall, upon satisfactory completion, be considered approved continuing education for pharmacists.

This proposed regulation would amend Section 1732.2. to specify additional methods of obtaining board-accredited continuing education for the following:

This proposed regulation would amend subdivision (a) of section 1732.2. to change the word "credit" to "hours" so as to be consistent with the definition of 'hour' that is specified in existing regulations at Title 16 California Code of Regulations section 1732.(b).

This proposed regulation would add a new subdivision "(c)" that would specify that a pharmacist that is serving on a designated subcommittee of the board for the purpose of developing the California Practice Standards and Jurisprudence Examination (CPJE) for pharmacists may annually be awarded up to six hours of continuing education hours for conducting a review of exam test questions. The CPJE is one of the examinations (qualifying methods) that a pharmacist must pass for purposes of licensure as a pharmacist in California, as described in Business and Professions Code section 4200.

This proposed regulation would add a new subdivision “(d)” that would specify that a pharmacist or pharmacy technician may be awarded up to six hours of continuing education on an annual basis for attending a full-day board meeting. This proposed regulation would specify that the board shall designate on its public agenda which day shall be eligible for continuing education credit, and that a pharmacist or pharmacy technician requesting continuing education hours for this purpose must sign in and out with their initials on an attendance sheet at the board meeting that also provides the individual’s name and license number, as well as the time of arrival at and time of departure from the meeting.

This proposed regulation would add a new subdivision “(e)” that would specify that a pharmacist or pharmacy technician may be awarded up to two hours of continuing education on an annual basis for attending a full-day committee meeting, and that a maximum of four continuing education hours may be earned each year by attending the full meetings of two different committee committees. The proposed regulation would specify that the board shall designate on its public agenda which day shall be eligible for continuing education credit, and that a pharmacist or pharmacy technician requesting continuing education hours for this purpose must sign in and out with their initials on an attendance sheet at the committee meeting that also provides the individual’s name and license number, as well as the time of arrival at and time of departure from the meeting.

This proposed regulation would add a new subdivision “(f)” that would specify that a pharmacist may be awarded up to six hours of continuing education for completing the Pharmacist Self-Assessment Mechanism (PSAM) which is administered through the National Association of Boards of Pharmacy.

Finally, this proposed regulation would add a new subdivision (g) that would specify that an individual may be awarded three hours of continuing education for successfully passing the examination administered by the Commission for Certification in Geriatric Pharmacy.

#### Factual Basis/Rationale

Business and Professions Code section 4005 generally authorizes the board to amend rules and regulations necessary for the protection of the public pertaining to the practice of pharmacy and the administration of Chapter 9 of Division 2 of the Business and Professions Code.

Business and Professions Code section 4231 specifies that the board shall not renew a pharmacist license unless the applicant submits proof satisfactory to the board that he or she has successfully completed 30 hours of approved courses of continuing pharmacy education, as specified. This section further specifies that the board shall not renew a pharmacist’s license if the continuing education requirement is not met. Also, as part of an investigation or audit conducted by the board, if a pharmacist fails to provide substantiation of completed continuing education as required, the board shall cancel the active pharmacist’s license and issue an inactive license.

Existing law does not specify the additional methods of accruing CE that would be deemed “satisfactory” to the board. As a result, the Board of Pharmacy proposes to amend section

1732.2. of Division 17 of Title 16 of the California Code of Regulations to provide pharmacists and pharmacy technicians with additional ways in which he or she may satisfy the board's continuing education requirements.

The board does not currently require a pharmacy technician to satisfy continuing education requirements for renewal of a pharmacy technician license. However, one of the qualifying methods of an applicant for a pharmacy technician license is certification through the Pharmacy Technician Certification Board (PTCB) pursuant to section 4202 of the Business and Professions Code. For purposes of maintaining certification with the PTCB, pharmacy technicians must meet that board's requirements for continued education. This proposed regulation would specify board accredited continuing education options for pharmacy technicians licensed by the Board of Pharmacy.

#### Underlying Data

1. October 24-25, 2002 Board Meeting Minutes
2. January 22-23, 2003 Board Meeting Minutes
3. January 19-20, 2005 Board Meeting Minutes
4. October 25-26, 2005 Board Meeting Minutes
5. February 1-2, 2006 Board Meeting Minutes
6. April 18-19, 2007 Board Meeting Minute
7. October 24-25, 2007 Board Meeting Minutes
8. June 23, 2008, Licensing Committee Meeting Minutes
9. October 29-30, 2008 Board Meeting Minutes
10. February 17, 2010 Board Meeting Agenda, Meeting Materials and Minutes

#### Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts or evidence/documents/testimony:

There is no requirement for a pharmacist or pharmacy technician to utilize the board-accredited continuing education as specified in the proposed regulation. For board-accredited continuing education awarded for attending a board or committee meeting, as specified in the proposed regulation, the board does not charge any fee for the award of the continuing education.

For a pharmacist who wishes to take the Pharmacist Self-Assessment Mechanism (PSAM) administered through the National Association of Boards of Pharmacy (NABP), that pharmacist may be required to pay a fee to the NABP for such purposes. However, the California State Board of Pharmacy does not require a pharmacist to complete the PSAM as a requirement for renewal of a license by the board.

An individual who wishes to be certified by the Commission for Certification in Geriatric

Pharmacy may be required to meet certification requirements by the CCGP, including the payment of any fee required to take the CCGP examination. However, the California State Board of Pharmacy does not require an individual to be certified by the CCGP as a requirement for renewal of a license by the board.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

The only alternative to this proposal is to not amend sections 1732.2. of Title 16 of the California Code of Regulations.

No reasonable alternative to amending the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons than the proposed regulation.